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Attorney for Defendant – GONZALEZ

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**
* * *

UNITED STATES OF AMERICA,)	2:21-mj-00788-MDC
)	
Plaintiff,)	MOTION TO QUASH BENCH
)	WARRANT
v.)	
)	
GERARDO FRANCISCO GONZALEZ,)	
)	
Defendant.)	
)	

MOTION TO QUASH BENCH WARRANT

DEFENDANT, GERARDO FRANCISCO GONZALEZ, by and through his attorney
JESS R. MARCHESE, ESQ. hereby files this motion to quash his bench warrant.

DATED: June 11, 2024,

/S/ Jess R. Marchese
JESS R MARCHESE, ESQ.
Nevada State Bar #8175
601 S. Rancho Drive, B-14
Las Vegas, Nevada 89106
Attorney for Defendant

POINTS AND AUTHORITIES

Defendant Gerardo Gonzalez is charged with four counts related to Operating a Motor Vehicle Under the Influence of Alcohol. Mr. Gonzalez is currently in bench warrant status since April 21, 2022 after failing to appear for his arraignment after numerous attempts to contact him via summons.

Mr. Gonzalez is currently incarcerated in High Desert State Prison on an unrelated case. He has been in custody on that case since June 10, 2023. He is pending release to a halfway house, but is ineligible due to the instant active bench warrant in this case. Counsel for the defense first reached out to the United States on April 11, 2024 seeking to resolve this case. After communications going back and forth, the undersigned received a written plea offer which counsel has in his possession and was signed by the defendant. That written plea offer does not contemplate any additional prison time. Gonzalez asked for the warrant to be lifted so that Mr. Gonzalez can go into court and enter his plea. The Government does not agree with this strategy and would like a writ to be issued so that Mr. Gonzalez can enter the plea while in custody.

Counsel for the defense prays for an order quashing the warrant and setting the matter for a status check in approximately sixty days so that Mr. Gonzalez can appear in person to enter the plea.

DATED: June 11, 2024,

/S/ Jess R. Marchese
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 Nevada State Bar #8175
 601 S. Rancho Drive, B-14
 Las Vegas, Nevada 89106
 Attorney for Defendant

ORDER

IT IS ORDERED that the Motion to Quash Bench Warrant (ECF No. 14) is GRANTED.
IT IS FURTHER ORDERED that the Initial Appearance is scheduled for September 5, 2024, at 9:30am in Courtroom 3A.
IT IS FURTHER ORDERED that Defense Counsel will notify Defendant of the changes to the schedule.


 Hon. Maximiliano D. Couvillier III
 United States Magistrate Judge